

Marrew, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEANNETTE FULLER HAUSLER as Successor
Personal Representative of the Estate of
ROBERT OTIS FULLER ("BOBBY
FULLER"), Deceased, on behalf of THOMAS
CASKEY as Personal Representative of the
Estate of LYNITA FULLER CASKEY,
surviving daughter of ROBERT OTIS FULLER,
THE ESTATE OF ROBERT OTIS FULLER,
FREDERICK FULLER, FRANCIS FULLER,
GRACE LUTES, JEANNETTE FULLER
HAUSLER, and IRENE MOSS,

Petitioner,

-against-

JPMORGAN CHASE BANK, N.A.,
CITIBANK, N.A., UBS AG, THE ROYAL
BANK OF SCOTLAND N.V. (FORMERLY
KNOWN AS ABN AMRO BANK N.V.), and
BANK OF AMERICA, NATIONAL
ASSOCIATION,

Garnishee-Respondents.

CITIBANK, N.A.,

Garnishee-Respondent
and Third-Party
Petitioner,

-against-

BANCO POPULAR DE AHORRO, CAJA DE
AHORROS Y PENSIONES DE BARCELONA,
LINSHANG BANK CO., LTD.,
TECNOIMPORT HAVANA, CUBA, and
JEANNETTE FULLER HAUSLER, as
Successor Personal Representative of the Estate
of ROBERT OTIS FULLER ("BOBBY
FULLER"), Deceased, on behalf of THOMAS

USDC SDNY
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09 Civ. 10289 (VM)

Related to JPM Chase/Citibank
Turnover Proceeding

In Respect of a Judgment
Entered in the State of Florida,
Case No. 02-12475-CA-09

STIPULATION OF
SETTLEMENT AND
DISCHARGE

TRANCHE III

| | |
|---|---|
| Estate of LYNITA FULLER CASKEY, | : |
| surviving daughter of ROBERT OTIS FULLER, | : |
| THE ESTATE OF ROBERT OTIS FULLER, | : |
| FREDERICK FULLER, FRANCIS FULLER, | : |
| GRACE LUTES, JEANNETTE FULLER | : |
| HAUSLER, and IRENE MOSS, | : |
| | : |
| Adverse Claimants- | : |
| Respondents. | : |

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STIPULATION OF SETTLEMENT AND DISCHARGE

WHEREAS, on or about July 6, 2010, Petitioner Hausler filed a turnover petition ("Turnover Petition III") that seeks, pursuant to the Terrorism Risk Insurance Act ("TRIA"), to satisfy a default judgment entered in Florida state court against the Republic of Cuba by executing against accounts holding the proceeds of certain electronic funds transfers ("EFTs") that were blocked pursuant to the Cuban Assets Control Regulations, 31 C.F.R. Part 515, as issued from time to time by the Office of Foreign Assets Control of the United States Treasury Department under authority of the Trading with the Enemy Act, 50 U.S.C. App. 5(b) (the "CACRs");

WHEREAS, on or about August 13, 2010, in connection with its response to Turnover Petition III, Citibank, N.A. ("Citibank") commenced an interpleader proceeding in which it sought to bring before the Court those parties to certain EFTs who were potentially adverse to Petitioner Hausler and had a potential claim to the blocked proceeds at issue, including Banco Popular de Ahorros ("Banco Popular") and La Caixa d'Estalvis i Pensions de Barcelona, also known, and sued herein, as La Caja de Ahorros y Pensiones de Barcelona ("la Caixa");

WHEREAS, the account identified in Exhibit D to Turnover Petition III as Citibank Account #9—Account Number 36079785, Sub-Account #422—is alleged to contain the proceeds of a blocked EFT in respect of which Banco Popular, a Cuban party, was the “originator” (the “Banco Popular EFT”);

WHEREAS, because the CACRs require the blocking of any EFT involving, among other things, any national of Cuba such as Banco Popular, the proceeds of the Banco Popular EFT were paid into Citibank Account #9, which is a blocked, interest-bearing account on the books of Citibank that was funded by debiting the account of la Caixa with Citibank;

WHEREAS, Citibank commenced the August 13, 2010 interpleader proceeding referred to above in order to obtain a discharge from liability to those parties to the Banco Popular EFT who might later assert claims to the blocked funds held in Citibank Account #9, named Banco Popular, la Caixa, and Petitioner Hausler as Adverse Claimant-Respondents, and served them with a summons and third-party petition alleging claims in the nature of interpleader;

WHEREAS, la Caixa seeks to avoid the expense of further participation in this litigation, and is therefore prepared, upon Citibank’s compliance with an order issued by this Court pursuant to TRIA directing turnover to Petitioner Hausler of the funds then held in Citibank Account #9, to consent to the entry of judgment releasing and discharging Citibank from any further liability to it in respect of the funds held in Citibank Account #9;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel, as follows:

1. Upon compliance with a turnover order issued by the Court pursuant to TRIA requiring Citibank to deliver the funds held in Citibank Account #9 to the United States Marshals Service for further payment over to Petitioner Hausler, Citibank shall be fully discharged

pursuant to N.Y. C.P.L.R. §§ 5209 or 6204, as applicable, and Citibank shall furthermore be discharged in interpleader, from any and all obligations or other liabilities to la Caixa, to the full extent of such amounts so held and paid to the United States Marshals Service for further payment over to Petitioner Hausler in accordance with such turnover order; and

2. Upon the compliance by Citibank with a turnover order issued pursuant to TRIA requiring Citibank to deliver the funds held in Citibank Account #9 to the United States Marshals Service for further payment over to Petitioner Hausler, la Caixa shall be restrained and enjoined from instituting or prosecuting any claim or action against Citibank in any jurisdiction arising from or relating to any claim to the blocked assets held in Citibank Account #9 which Citibank turns over to the United States Marshals Service for further payment over to Petitioner Hausler in compliance with such a turnover order.

Dated: New York, New York
February 23, 2011

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de Barcelona, a/k/a Caja de Ahorros y
Pensiones de Barcelona*

SO ORDERED:
February 28, 2011


Victor Marrero U.S.D.J.

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